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Nixon & Vanderhye P.C.

ATTORNBY AT LAW

8TH FLOOR 1100 NORTH GLEBE ROAD ARLINGTON, VIRGINIA 22201-4714 TELEPHONE: (703) 816-4000 FACSIMILE: (703) 816-4100 WRITER'S DIRECT DIAL NUMBER: (703) 816-4011

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Atty Dkt.:	39-252		
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			Tabitha A. Trice

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Mcconud, Wilson

ATTACHMENT/S: OFFICIAL REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL, AMENDMENT UNDER RULE 116 WITH 2 DECLARATIONS

MESSAGE:

In re PATENT APPLICATION OF:

BARBER et al

Serial No.: 10/018,467 Filed: April 4, 2002

For: ANTIBIOTIC AGENTS

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REQUEST

FOR

CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995

See The American Inventora Protection Act of 1999 (AIPA).

Application Number	10/018,467
Filing Date	April 4, 2002
First Named Inventor	BARBER
Group Art Unit	1623
Examiner Name	Peselev, E.
Attorney Docket Number	39-252

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (FTO/SE20) instead of a RCE to be eligible for the petent term adjustment and the proof of the petent term adjustment and the

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2.	M	isce	llaneo	us																													
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Peselev, E.

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REQUEST	Application Number	10/018,467
FOR	Filina Date	April 4, 2002
CONTINUED EXAMINATION (RCE)		BARBER
TRANSMITTAL	First Named Inventor	DARBER
Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000. provides for continued examination of an utility or plant application	Group Art Unit	1623

Examiner Name

Attomey Docket Number

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This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.63(d) (FTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisional and the AIPA. See Changes to Application and Provisional Application Practice, Final Rule, 65 Fed. Reg. 14665 (mar. 20, 2000), 1233 Off. Gaz. Pct. Office 47 (Apr. 11, 2000), which established RCE practice.

Rule, 65 Fed. Reg. 140	865 (mer. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which	established RCE practice.						
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1. Submission re	quired under 37 C.F.R. § 1.114	•						
	y submitted							
i. 🔲 Cons	sider the amendment(s)/reply under 37 C.F.R. § 1.116 entered amendment(s) referred to above will be entered)	3 previously filed on						
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iii. 🗍 Othe	- · · · · · · · · · · · · · · · · · · ·	previously med on						
b. 🛛 Enclosed								
	ndment Under Rule 116/Reply							
	avit(s)/Declaration(s) mation Disclosure Statement (IDS)							
	r One Declaration by Dr. Barber and One Declaration	on by Ors. Barber						
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2. Miscellaneous	7							
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a. 🔲 Suspensi a period o	on of action on the above-identified application is req	uested under 35 C.F.K. § 1.103 I not exceed 8 months; Fee under 37 C.F.R.						
b. \square Other	THO HOLE. (Ferror of Busparaion Biles	i not exceed a months, ree unities 37 Ç.F.K.	· 8 1-17(i) reduired)					
3. Fees The RCE	fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 v	when the RCE is filed.						
a. 🗌 Applicant	t claims "small entity" status.							
	pe debited are calculated below:							
	fee required under 37 C.F.R. § 1.17(e)		\$ 770.00					
ii. ⊠ Petit iii, □ Othe	ion is made to extend the due date 3 months (less	months previously paid)	\$ 950.00					
	the amount of \$	enclosed						
	by credit card (Form PTO-2038 enclosed)							
e. 🛛 The Dire	ctor is hereby authorized to charge any deficiency in t	the fee(s) filed or which should h	nave been filed					
herewith	(or with any paper hereafter filed in this application by	y this firm), to Deposit Account i	No. 14-1140					
		. /						
	SIGNATURE OF APPLICANT, ATTORN	IEY, OR AGENT REQUIRED	<u>.</u>					
Name (Print Type)	Mary J. Wilson	Registration No. (Attorney/Agent)	32,955					
Signature	Masura. Wilson	Date July 19, 2004	-					
CERTIFICATE OF MAILING OR TRANSMISSION								
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Name (Print Type)	MARY J. Wilson							
Signature	Man-11 10015 0-0	Date Jan Da	19 200					

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BARBER et al

Atty. Ref.: 39-252; Confirmation No. 8122

Appl. No. 10/018,467

TC/A.U. 1623

Filed: April 4, 2002

Examiner: Peselev, E.

For: ANTIBIOTIC AGENTS

* * * * * * * * *

July 19, 2004

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER RULE 116

This is in response to the Office Action dated October 16, 2003, in the above, a Notice of Appeal having been filed February 17, 2004, and the required petition and fee being submitted herewith. Kindly amend this application as follows.